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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 IN RE SEAGATE TECHNOLOGY LLC  
19 LITIGATION

No. 3:16-cv-00523-JCS

20 ADMINISTRATIVE MOTION TO FILE  
21 UNDER SEAL  
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1 Plaintiffs bring this administrative motion pursuant to Civil Local Rule 7-11 and 79-5, to file  
2 under seal portions of Plaintiffs' Motion for Class Certification and the following exhibits to the  
3 Declaration of Steve W. Berman in Support of Plaintiffs' Motion to Certify Class:

4 Exhibit 3: Document Bates-numbered FED\_SEAG0012340-0012364, produced in the  
5 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

6 Exhibit 4: Document Bates-numbered FED\_SEAG0018291-0018292, produced in the  
7 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

8 Exhibit 5: Document Bates-numbered FED\_SEAG0020297-0020298, produced in the  
9 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

10 Exhibit 6: Document Bates-numbered FED\_SEAG0004700-0004701, produced in the  
11 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

12 Exhibit 9: Document Bates-numbered FED\_SEAG00002505-0002557, produced in the  
13 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

14 Exhibit 10: Excerpts from the Deposition of Jeffrey Fochtman, taken in the above-  
15 captioned litigation on August 19, 2017 and designated "HIGHLY  
CONFIDENTIAL" by Defendant pursuant to the protective order in this  
16 action;

17 Exhibit 11: Document Bates-numbered FED\_SEAG0015567-0015568, produced in the  
18 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

19 Exhibit 12: Document Bates-numbered FED\_SEAG0005081-0005100, produced in the  
20 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action, and marked as Exhibit 3 to the  
August 19, 2017 deposition of Jeffrey Fochtman;

21 Exhibit 18: Document Bates-numbered FED\_SEAG0004438-0004475, produced in the  
22 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

23 Exhibit 19: Document Bates-numbered FED\_SEAG0003639-0003676, produced in the  
24 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

25 Exhibit 20: Documents Bates-numbered FED\_SEAG0004783-0004810, produced in the  
26 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

- 1 Exhibit 21: Document Bates-numbered FED\_SEAG0006442-0006445, produced in the  
2 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 3 Exhibit 22: Document Bates-numbered FED\_SEAG0057214-0057216, produced in the  
4 above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by  
Defendant pursuant to the protective order in this action;
- 5 Exhibit 23: Document Bates-numbered FED\_SEAG0002673-0002680, produced in the  
6 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 7 Exhibit 24: Document Bates-numbered FED\_SEAG0024743-0024763, produced in the  
8 above-captioned litigation and designated "HIGHLY CONFIDENTIAL" by  
Defendant pursuant to the protective order in this action;
- 9 Exhibit 25: Document Bates-numbered FED\_SEAG0010102-0010111, produced in the  
10 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 11 Exhibit 26: Document Bates-numbered FED\_SEAG0054829-0054832, produced in the  
12 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 13 Exhibit 28: Defendant Seagate Technology LLC's Supplemental Responses to Plaintiff  
14 Christopher Nelson's First Set of Interrogatories, dated August 18, 2017, and  
designated "HIGHLY CONFIDENTIAL" by Defendant;
- 15 Exhibit 36: Excerpt from documents Bates-numbered FED\_SEAG00035341-42, produced  
16 in the above-captioned litigation and designated "CONFIDENTIAL" by  
Defendant pursuant to the protective order in this action;
- 17 Exhibit 38: Document Bates-numbered FED\_SEAG0002103-0002105, produced in the  
18 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 19 Exhibit 39: Document Bates-numbered FED\_SEAG0009464, produced in the  
20 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 21 Exhibit 40: Document Bates-numbered FED\_SEAG0012108-0012148, produced in the  
22 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 23 Exhibit 41: Document Bates-numbered FED\_SEAG0015574-0015576, produced in the  
24 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 25 Exhibit 42: Document Bates-numbered FED\_SEAG0006016-0006018, produced in the  
26 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;
- 27 Exhibit 43: Document Bates-numbered FED\_SEAG0004853-0004854, produced in the  
28 above-captioned litigation and designated "CONFIDENTIAL" by Defendant  
pursuant to the protective order in this action;

Exhibit 44: Document Bates-numbered FED\_SEAG0010119-0010125, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 45: Document Bates-numbered FED\_SEAG0004309-0004347, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 46: Document Bates-numbered FED\_SEAG0015901-0015907, produced in the above-captioned litigation and designated “HIGHLY CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 47: Document Bates-numbered FED\_SEAG0016455, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 48: Document Bates-numbered FED\_SEAG0018144-0018176, produced in the above-captioned litigation and designated “HIGHLY CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 49: Document Bates-numbered FED\_SEAG0035574-0035581, produced in the above-captioned litigation and designated “CONFIDENTIAL” by Defendant pursuant to the protective order in this action;

Exhibit 51: Document Bates-numbered BB\_CTRL0000194, produced in the above-captioned litigation and marked “Seagate Confidential” by Defendant

Defendant has designated these documents as “Confidential,” or “Highly Confidential—Attorneys’ Eyes Only” under the Stipulated Protective Order (“Protective Order”) in place in this action.<sup>1</sup> The Protective Order in this action requires that information designated as confidential “qualify for protection under Federal Rule of Civil Procedure 26(c)”<sup>2</sup> or “extremely sensitive [information, the] disclosure of which to another Party or Non-Party would create a substantial risk of serious harm that could not be avoided by less restrictive means.”<sup>3</sup> In turn, under Rule 26(c), a Court may require “that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.”<sup>4</sup> The Protective Order also provides

<sup>1</sup> Stipulated Protective Order, July 8, 2016, ECF No. 61.

<sup>2</sup> *Id.* at ¶ 2.2.

<sup>3</sup> *Id.* at ¶ 2.7.

<sup>4</sup> Fed. R. Civ. P. 26(c)(1)(G).

1 This case involves the rights of thousands of consumers across the country—people who  
 2 should have the ability to see the issues being litigated. The information contained in these  
 3 documents are exactly the type of information that should be available for public review. As this  
 4 district recognizes, “[r]eference to a stipulation or protective order that allows a party to designate  
 5 certain documents as confidential is not sufficient to establish that a document, or portions thereof,  
 6 are sealable.” Civil L.R. 79-5(d)(1)(A).

7 Pursuant to the Protective Order and Civil Local Rule 79-5(d), the designating party must  
 8 now demonstrate that the designated information is sealable or must withdraw the designation of  
 9 confidentiality.

10  
 11 DATED: November 8, 2017

HAGENS BERMAN SOBOL SHAPIRO LLP

12  
 13 By: /s/ Steve Berman  
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